

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARDIK KEVIN MEKHTARIAN,

Plaintiff,

v.

C. ORTEGA, *et al.*,

Defendants.

Case No. 1:20-cv-00696-KES-CDB (PC)

**ORDER SETTING SETTLEMENT
CONFERENCE**

Settlement Statements due: 5/6/2024

Settlement Conference: 5/13/2024 (10:00am)

Magistrate Judge Christopher D. Baker will hold a settlement conference on **May 13, 2024, at 10:00 a.m.**, via video conference. The Zoom settlement conference invitation will be distributed one week prior.¹ The Court has reserved the entire day for this settlement conference and expects the parties will proceed with the settlement conference in good faith and attempt to resolve all or part of the case. If any party believes that the settlement conference will not be productive, that party shall so inform the Court as far in advance of the settlement conference as possible.

Unless otherwise permitted in advance by the Court, the following individuals must

¹ Any difficulties concerning Zoom video conference, or connecting to the Zoom video conference, shall immediately be reported to Susan Hall, Courtroom Deputy for Judge Baker, at SHall@caed.uscourts.gov.

1 attend the settlement conference in person: (1) all of the attorney(s) who will try the case; and (2)
2 individuals with full authority to negotiate and settle the case, on any terms. *See* Local Rule
3 270(f).

4 **No later than May 6, 2024**, each party must a confidential settlement conference
5 statement to Judge Baker. Defendants shall email their statement to
6 CDBorders@caed.uscourts.gov. Plaintiff shall mail his statement, clearly captioned
7 “Confidential Settlement Conference Statement,” to United States District Court, Attn:
8 Magistrate Judge Christopher D. Baker, 510 19th Street, Suite 200, Bakersfield, CA 93301.
9 These statements should neither be filed on the docket nor served on any other party.

10 In compliance with Local Rule 270(d)-(e), the settlement statements will be used
11 exclusively for the undersigned to prepare for and conduct the settlement conference. They will
12 not become part of the case file. If applicable, the statements should be marked
13 “CONFIDENTIAL.” *See* Local Rule 270(d).

14 The statements should not exceed ten (10) pages and should include:

15 (1) a brief recitation of the facts;

16 (2) a discussion of the strengths and weaknesses of the case, including the parties’
17 relevant position on the factual and legal issues and brief review of the evidence to support the
18 parties’ factual position;

19 (3) an itemized estimate of the expected costs for further discovery, pretrial, and trial
20 matters, in specific dollar terms;

21 (4) your best estimate of the probability that plaintiff will prevail should this case proceed
22 to trial;

23 (5) your best estimate of the damages or relief plaintiff may recover should this case
24 proceed to trial and plaintiff prevail (in specific dollar terms and/or injunctive relief, if
25 applicable);

26 (6) a history of settlement discussions (including a listing of any current settlement offers
27 from any party, in specific dollar terms), a candid statement of your party’s current position on
28 settlement, including **the amount that you will give/accept to settle** (in specific dollar terms),

1 and a statement of your expectations for settlement discussions;

2 (7) a list of the individuals who will be attending the settlement on the party's behalf,
3 including names and, if appropriate, titles.

4 At the outset of the settlement conference, the undersigned may call upon the parties'
5 counsel to give a brief (five-minute) opening presentation outlining the factual and legal
6 highlights of their case before the parties break into separate caucuses. The undersigned reserves
7 the right to dispense with the opening presentations of counsel if the undersigned determines that
8 such presentations are not likely to be productive.

9 Notwithstanding the provisions of Federal Rule of Evidence 408, all statements made by
10 the parties relating to the substance or merits of the case, whether written or oral, made for the
11 first time during the settlement conference will be deemed to be confidential and shall not be
12 admissible in evidence for any reason in the trial of the case, should the case not settle. This
13 provision does not preclude admissibility in other contexts, such as pertaining to a motion for
14 sanctions regarding the settlement conference.

15 IT IS SO ORDERED.

16 Dated: April 23, 2024

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UNITED STATES MAGISTRATE JUDGE